

108TH CONGRESS
1ST SESSION

S. 1261

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 1, 2003

Referred to the Committee on Energy and Commerce

AN ACT

To reauthorize the Consumer Product Safety Commission,
and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Consumer Product
5 Safety Commission Reauthorization Act of 2003”.

1 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 32(a) of the Consumer Product Safety Act
3 (15 U.S.C. 2081(a)) is amended by striking paragraphs
4 (1) and (2) and inserting the following:

5 “(1) \$60,000,000 for fiscal Year 2004;

6 “(2) \$66,800,000 for fiscal year 2005;

7 “(3) \$70,100,000 for fiscal year 2006; and

8 “(4) \$73,600,000 for fiscal year 2007.”.

9 **SEC. 3. FTE STAFFING LEVELS.**

10 Section 4(g) of the Consumer Product Safety Act (15
11 U.S.C. 2053(g)) is amended by adding at the end the fol-
12 lowing:

13 “(5) The Commission is authorized to hire and main-
14 tain a full time equivalent staff of 471 persons in each
15 of fiscal years 2004 through 2007.”.

16 **SEC. 4. EXECUTIVE DIRECTOR AND OFFICERS.**

17 So much of section 4(g) of the Consumer Product
18 Safety Act (15 U.S.C. 2053(g)(1) as precedes subpara-
19 graph (B) is amended to read as follows:

20 “(g) EXECUTIVE DIRECTOR; OFFICERS AND EM-
21 PLOYEES.—(1)(A) The Chairman, subject to the approval
22 of the Commission, shall appoint as officers of the Com-
23 mission an Executive Director, a General Counsel, an As-
24 sociate Executive Director for Engineering Sciences, an
25 Associate Executive Director for Laboratory Sciences, an
26 Associate Executive Director for Epidemiology, an Asso-

1 ciate Executive Director for Health Sciences, an Assistant
 2 Executive Director for Compliance, an Associate Executive
 3 Director for Economic Analysis, an Associate Executive
 4 Director for Administration, an Associate Executive Di-
 5 rector for Field Operations, an Assistant Executive Direc-
 6 tor for Office of hazard Identification and Reduction, an
 7 Assistant Executive Director for Information Services,
 8 and a Director for Office of Information and Public Af-
 9 fairs. Any other individual appointed to a position des-
 10 ignated as an Assistant or Associate Executive Director
 11 shall be appointed by the Chairman, subject to the ap-
 12 proval of the Commission. The Chairman may only ap-
 13 point an attorney to the position of Assistant Executive
 14 Director for Compliance, but this restriction does not
 15 apply to the position of Acting Assistant Executive Direc-
 16 tor for Compliance.”.

17 **SEC. 5. SUBSTANTIAL PRODUCT HAZARD RECALLS.**

18 Section 15 of the Consumer Product Safety Act (15
 19 U.S.C. 2064) is amended by adding at the end the fol-
 20 lowing:

21 “(i) COMMISSION-FINANCED RECALLS.—

22 “(1) IN GENERAL.—The Commission may take
 23 the actions otherwise required of a manufacturer, re-
 24 tailer, or distributor under subsection (c)(1), (2),

1 and (3) with respect to a product if the
 2 Commission—

3 “(A) staff makes a preliminary hazard de-
 4 termination that a product presents a substan-
 5 tial product hazard classified as a Class A or B
 6 product hazard (as defined in the Commission’s
 7 Recall Handbook) or the Commission makes a
 8 substantial product hazard determination classi-
 9 fied as a Class A or B product hazard (as de-
 10 fined in the Commission’s Recall Handbook)
 11 with respect to such a product; and

12 “(B) finds that—

13 “(i) notification of the hazard is in
 14 the public interest; and

15 “(ii) the manufacturer, retailer, or
 16 distributor is financially unable to provide
 17 adequate notification.

18 “(2) IMPLEMENTING REGULATIONS.—Not more
 19 than 120 days after the date of enactment of the
 20 Consumer Product Safety Commission Reauthoriza-
 21 tion Act of 2003, the Commission shall prescribe
 22 regulations to implement paragraph (1). In promul-
 23 gating such regulations, the Commission shall estab-
 24 lish strict standards for ensuring that Commission
 25 funding is expended only on the product recall notifi-

1 cations of manufacturers, retailers, or distributors
 2 that are financially unable to effect adequate notifi-
 3 cations required by this section.

4 “(3) AUTHORIZATION OF APPROPRIATIONS.—

5 There are authorized to be appropriated to the Com-
 6 mission for each fiscal year \$2,000,000 to carry out
 7 this subsection.”.

8 **SEC. 6. INCREASE IN CIVIL PENALTIES.**

9 Section 20(a)(1) of the Consumer Product Safety Act
 10 (15 U.S.C. 2069(a)(1)) is amended by striking
 11 “\$1,250,000” each place it appears and inserting
 12 “\$20,000,000”.

Passed the Senate September 30 (legislative day,
 September 29), 2003.

Attest:

EMILY J. REYNOLDS,

Secretary.